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Compensation for Injury or Death

1. Policy

Employees of the Central Intelligence Agency are entitled to compensation benefits under the Federal Employees' Compensation Act (Public Law 267, 64th Congress) as amended and/or the Central Intelligence Agency Act of 1949 (Public Law 110, 81st Congress) as amended. These benefits include compensation for disability and death, and medical care for employees who suffer injuries in the performance of their duties.

2. Definitions

a. "In the Performance of Duty"

"In the performance of duty", as used in this Instruction, means that the individual's injury is directly attributable to or materially aggravated by his work and is not the result of the employee's willful misconduct, intoxication, or intention to bring about the injury or death of himself or another.

b. "Injury"

For the purposes of this Instruction, the term "injury" includes, in addition to injury by accident, any disease proximately caused by the employment of the individual.

3. Coverage

a. Federal Employees' Compensation Act

(1) The provisions of the Federal Employees' Compensation Act apply to employees of the Central Intelligence Agency who are citizens or residents of the United States or a territory of the United States.

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(2) Employees of the Central Intelligence Agency who are neither citizens nor residents of the United States nor a territory of the United States will be compensated substantially in accordance with the benefit provisions of local workmen's compensation laws and regulations as recognized by the United States Bureau of Employees' Compensation.

b. Central Intelligence Agency Act of 1949

Employees otherwise eligible for benefits under the Federal Compensation Act whose claims may not be submitted to the Bureau of Employees' Compensation for security reasons will be granted these benefits under the authority contained in Section 10 of the Central Intelligence Agency Act of 1949.

4. Responsibilities

a. The Assistant Director (Personnel) is responsible for the administration of this program, for prescribing necessary procedures and for coordinating activities of other offices responsible for the performance of related functions. He, or his designee, will determine whether claims are to be processed under the provisions of the Federal Employees' Compensation Act or the Central Intelligence Agency Act and will administratively approve or disapprove those processed under the latter Act.

b. The Office Chief concerned, the Chief, Medical Staff, the General Counsel and the Security Officer, CIA, are responsible for providing such recommendations concerning medical, legal or security issues

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involved in determining the method of processing or the compensability of individual claims as are requested by the Assistant Director (Personnel), or his designee.

- c. Supervisory officials are responsible for furnishing such documents, records and information as may be requested.
- d. Employees who claim benefits are responsible for complying with the procedural requirements set forth below and for fulfilling such other requests for information and examinations as may be necessary.

5. Benefits

a. General

Information and advice as to benefits in specific cases will be provided by the Personnel Office upon request. The general benefits to which employees may be entitled are listed in Appendix A. Briefly they include the following:

- (1) Payment for medical services and supplies, regardless of whether the injury has resulted in loss of worktime.
- (2) Loss of income benefits based upon time lost from work and upon the nature of disability or disfigurement.
- (3) Allowance for the services of an attendant for totally disabled persons.
- (4) Allowance for vocational rehabilitation of permanently disabled persons.
- (5) Death benefits based on the employee's monthly pay and the number and relationship of his dependents.
- (6) Allowance for funeral expenses, under certain circumstances.

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b. Waiting Period

Employees are not entitled to compensation for loss of pay for the first three days of disability unless the period of disability exceeds 21 days or is permanent.

c. Use of Sick or Annual Leave

If the employee so elects, sick and/or annual leave or leave without pay may be utilized during the period of disability. In such cases, compensation payments will become effective upon termination of leave.

d. Alternative Benefits

An employee who is entitled to compensation benefits under the Federal Employees' Compensation Act, as amended, or ^{THE CIA ACT} Public Law 110, as applicable, may also qualify for other benefits. For example, an employee eligible for compensation benefits may also be eligible for a disability annuity under the Civil Service Retirement Act. An employee who is eligible for alternative benefits shall elect which of the benefits he will receive for the period the benefits are available.

6. ~~Providing~~ Treatment

a. Medical treatment of an employee injured in the performance of duty will be arranged by his supervisor as follows:

(1) Personnel stationed in Washington will be referred to the Agency Medical Office.

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25X1A6a (2) Personnel of a [redacted] Washington will be referred to the local CIA medical officer, if one is available. Otherwise, if security considerations permit, they will be referred to the nearest U. S. Government medical facility or physician designated by the Bureau of Employees' Compensation, when available. If neither a local CIA medical officer nor a U. S. Government medical facility nor a designated physician can be used, the Chief, Medical Staff, will be contacted for instructions or, in an emergency case, treatment may be obtained at the nearest available facility under appropriate security arrangements. In such a contingency the supervisor will inform the Chief, Medical Staff, of the action taken as soon as possible.

(3) Personnel of an overseas station will be referred to the local CIA medical officer, if one is available. If there is no local CIA medical officer, the supervisor will arrange for treatment at the nearest facility, using a U. S. Government medical facility if feasible, under appropriate security arrangements.

b. When treatment of an employee is obtained from a U. S. Government medical facility or a physician designated by the Bureau of Employees' Compensation, his supervisor will execute Form C. A. 16, Request for Treatment of Injury Under the U. S. Employees' Compensation Act, or Form C. A. 17, Request for Treatment of Injury Under the U. S. Employees' Compensation Act When Cause of Injury Is In Doubt, as

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appropriate, unless security considerations preclude use of the form.

When treatment is arranged by the CIA Medical Office, the appropriate form will be executed by that Office. (A complete list of forms used in reporting injuries, processing claims and filing appeals is included in Appendix C.)

c. If local medical facilities are unavailable or medically unsuitable

25X1A6a at [REDACTED] an overseas location, the Mission or Station Chief may authorize travel of an injured employee, with an attendant if necessary, to obtain medical treatment.

d. Upon the advice of the local CIA medical officer or of the attending physician, travel to obtain medical treatment may be authorized by the Mission or Station Chief to return an injured employee from overseas to the United States.

7. Reporting

a. An employee injured in the performance of duty will notify his supervisor immediately. He will also prepare and submit Form C. A. 1, Employee's Notice of Injury or Occupational Disease, in duplicate within 48 hours. (Sample copy of Form C. A. 1 is included in Appendix B.) If the injured employee is unable to submit this notice, it may be given by another person acting in his behalf. If Form C. A. 1 is not available, notice may be given by memorandum containing the same information. This report will be forwarded to the Personnel Office through appropriate administrative channels.

b. Any injury incurred in the performance of duty which disables or is likely to disable an employee will be reported by the supervisor of the employee concerned on Form C. A. 2, Official Superior's Report of

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Injury. (Sample copy of Form C. A. 2 is included in Appendix B.)

This form will be prepared in duplicate and forwarded to the Personnel Office through appropriate administrative channels. When treatment has not been furnished by the Agency Medical Office, the supervisor will arrange for completion of the Government Medical Officer's statement, on the reverse side of Form C. A. 2, if applicable, unless security considerations preclude furnishing this information.

c. Termination of disability of an injured employee will be reported by his supervisor on Form C. A. 3, (upper portion), Report of Termination of Total or Partial Disability, unless it has previously been reported on Form C. A. 2, Official Superior's Report of Injury. Form C. A. 3 will be prepared in duplicate and forwarded to the Personnel Office through appropriate administrative channels.

d. Death of an employee as a result of an injury incurred in the performance of duty will be promptly reported by the employee's supervisor on Form C. A. 3, (lower portion), Report of Death. Form C. A. 3 will be prepared in duplicate and forwarded to the Personnel Office through appropriate administrative channels.

8. Claims

a. An employee injured in the performance of duty will make claim for reimbursement or payment of the cost ~~of~~ of medical services and supplies and for compensation for loss of pay on Form C. A. 4, Claim for Compensation on Account of Injury. (Sample copy of Form C. A. 4 is included in Appendix B.) Form C. A. 4 will be prepared in

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duplicate within 60 days from the date of injury. Documents in support of the claim, including all itemized bills and receipts, travel orders and claims for personal expenditures by the individual, will accompany Form C. A. 4. The Attending Physician's Certificate on the reverse side of Form C. A. 4 will be obtained if security considerations permit. The supervisor of the injured employee will complete the Certificate of Official Superior of Injured Employee on the reverse side of Form C. A. 4. Completed forms will be forwarded to the Personnel Office through appropriate administrative channels.

- b. ^{THE} Claim for compensation benefits by survivor(s) of an employee who dies as the result of an injury incurred in the performance of duty will be made on Form C. A. 5, Claim for Compensation on Account of Death. Form C. A. 5 will be submitted to the Personnel Office in duplicate.
- c. Claim for reimbursement of travel expense incident to securing treatment (see paragraphs 6 c and 6 d above) will be made on Standard Form No. 1012, Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel. This claim will be submitted to the Personnel Office through appropriate administrative channels.
- d. The Assistant Director (Personnel) or his designee will review each claim to determine whether it is to be processed under the provisions of the Federal Employees' Compensation Act or the Central Intelligence Act.

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- (1) Claims processed under the Federal Employees' Compensation Act will be forwarded by the Personnel Office to the Bureau of Employees' Compensation for adjudication, on a classified or unclassified basis as the situation warrants.
- (2) Claims processed under the Central Intelligence Agency Act will be administratively approved or disapproved by the Assistant Director (Personnel) or his designee.
 - (a) Approved claims will be forwarded to the Finance Division for payment.
 - (b) Disapproved claims will be returned to the claimant with a memorandum stating the reasons for disapproval. A copy of this memorandum will be forwarded to the Office Chief concerned.

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